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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,573	08/04/2000	Rainer Siebert	15675.P299x	1726

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EXAMINER

STARSIK, JOHN S

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 03/25/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/632,573

Applicant(s)

Rainer Siebert et al.

Examiner

J. STARSIAK

Group Art Unit

1753

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 04 August 2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-21 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6, 8, and 19 is/are rejected.
- ☒ Claim(s) 7, 9-18, 20, and 21 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1753

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the microlenses recited in claim 5, the cell recited in claim 19, and the support recited in claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 7, 9- 18, 20, 21 are objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot serve as the basis for any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 7, 9-18, 20, and 21 not been further treated on the merits. Note that much of the subject matter of these claims is not properly illustrated. See objection to the drawings above.

Art Unit: 1753

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites, "System according to claim 1, characterized in that it includes *a matrix of capillaries*." It is unclear if the matrix of capillaries is in addition to the "plurality of juxtaposed capillaries" or a limitation on the "plurality of juxtaposed capillaries" recited in claim 1. Claim 4 is rejected because claims 1 and 2 recite insufficient structural relationship between the capillaries to support the language of claim 4, i.e. "The excitation beam ...strikes several superposed capillaries simultaneously." Also, the meaning of "superposed capillaries" is unclear. What is the relationship between "superposed capillaries" and the "plurality of juxtaposed capillaries" recited in claims 1 and 2? What is the relationship between "superposed capillaries" and the "matrix of capillaries" recited in claim 3. Claim 5 is rejected for several reasons. First, it is unclear if "a linear array of capillaries" are an additional set of capillaries or limitation on the sets of capillaries of the proceeding claims. Second, if the latter is the case then claims 1 and 2 recite insufficient structure directed to the arrangement of the plurality of juxtaposed capillaries to warrant this language in

Art Unit: 1753

the claim. Third, claim 5 recites, "such as microlenses." It is unclear if "microlenses" are explicitly being recited. Claim 6 is rejected for the following reasons. First, claim 6 recites, "either of claims 4". Claim 4 is actually 3 claims, i.e. 4/1, 4/2 4/3. Second, claims 1 and 2 do not recite linear arrays of capillaries. Therefore the recitation in claim 6 of "linear arrays of capillaries" renders claims 6/4/1 and 6/4/2 indefinite. Claim 19 is rejected for several reasons. First, claim 19 fails to recite that the system of claim 1 further comprises "a cell" and a "support". Second, there is no structural relationship recited between the cell and the support. Third, no structure is recited to produce said "pressure".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kambara et al.

Art Unit: 1753

The capillary array electrophoresis system of Karbara et al. has a plurality of capillaries (1) arranged in a matrix and a detector system (8,9, 10a, 10b, 11a, 11b, and 29) designed to detect light emerging from the exit end of the capillaries. See figures 1 and 2.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dovichi et al.

The capillary electrophoresis device of Dovichi et al. has a plurality of capillaries (26) arranged in a matrix and a detection system (136,139,140,142) designed to detect light emerging from the exit ends of the capillaries.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shimadzu.

The capillary electrophoresis device of Shimadzu (illustrated in Fig. 2) has a plurality of capillaries (1a) arranged in a matrix and a detection system (24, 5a, 6, 5b, 7, and 8) designed to detect light emerging from the exit end of the capillaries. The recitation beam (4) has an elongate cross-section so that linear arrays of capillaries are excited simultaneously.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Starsiak Jr. whose telephone number is (703) 308-1797. The examiner can normally be reached on Monday to Wednesday from 8:00 AM to 3:30 PM and on Thursday and Friday from 8:00 AM to 12:00 PM.

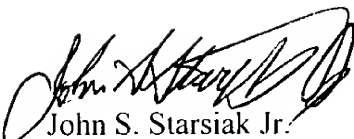
Art Unit: 1753

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen, can be reached on (703) 308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



NAM NGUYEN  
SUPERVISORY PATENT EXAMINER  
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John S. Starsiak Jr.

24 March 2003